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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1140

03/04/2013 Authored by Mullery

The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to civil actions; modifying civil liability for labor and sex trafficking
1.3 crimes; allowing prosecutor to seek injunctive relief; proposing coding for new
1.4 law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2012,
1.5 section 609.284, subdivision 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[299A.794] HUMAN TRAFFICKING; CIVIL LIABILITY.**

1.8 (a) A trafficking victim may bring an action against a person who violates section
1.9 609.282, 609.283, 609.322, or 609.324. A victim who prevails in an action brought
1.10 under this section shall be awarded the greater of actual damages, including damages
1.11 for emotional distress, or:

1.12 (1) \$5,000 if the victim was trafficked for a period of less than one month;
1.13 (2) \$10,000 if the victim was trafficked for a period of one month or more, but
1.14 less than three months;
1.15 (3) \$15,000 if the victim was trafficked for a period of three months or more, but
1.16 less than six months;
1.17 (4) \$20,000 if the victim was trafficked for a period of six months or more, but
1.18 less than one year; or
1.19 (5) \$20,000 per year for each year the victim was trafficked, if the victim was
1.20 trafficked for a period of one year or more.

1.21 A victim prevailing in an action brought under this section is also entitled to an award of
1.22 punitive damages, costs, disbursements, litigation costs, and reasonable attorney fees.

1.23 (b) No criminal action needs to be filed or pending resulting from the same
1.24 occurrence for an award to be made under this section.

(c) An action for damages under paragraph (a) must be commenced not later than six years after the cause of action arises or not later than one year from the date the trafficking victim bringing the action is free from human traffickers.

(d) For the purposes of this section, "person" means an individual, partnership, organization, company, association, or corporation.

EFFECTIVE DATE. This section is effective August 1, 2013, and applies to causes of action arising on or after that date.

Sec. 2. **[299A.7945] HUMAN TRAFFICKING; INJUNCTION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings provided.

(b) "Trafficking or trafficking-related activity" means conduct that would violate section 609.282, 609.283, 609.322, or 609.324.

(c) "Place" has the meaning given in section 617.91, subdivision 5.

(d) "Owner" has the meaning given in section 617.80, subdivision 7.

Subd. 2. **Acts constituting a public nuisance.** (a) For purposes of this section, a public nuisance exists upon proof of two or more separate behavioral incidents of trafficking or trafficking-related activity committed within a 12-month period.

(b) A county or city attorney or the attorney general may sue to enjoin a public nuisance under this section. A person who permits, maintains, or conducts acts constituting a public nuisance may be made a defendant in a suit. If the public nuisance involves the use of a place, the owner or a person who is responsible for maintaining the place on behalf of the owner may be made a defendant in the suit pursuant to the procedures applicable to owners under sections 617.81 to 617.87.

Subd. 3. **Court order.** (a) If the court finds, by a preponderance of the evidence, that a public nuisance exists under subdivision 2, the court may enter a temporary or permanent order:

(1) enjoining a defendant in the suit from maintaining, permitting, or conducting acts constituting a public nuisance; and

(2) imposing other reasonable requirements to prevent the defendant from engaging in future trafficking or trafficking-related activity or to provide reimbursement of costs directly related to the trafficking or trafficking-related activity.

(b) "Reasonable requirement" as specified in paragraph (a), clause (2), means an injunctive limitation on behavior, associated activities, and interactions that reduces the opportunity for trafficking and trafficking-related activity and may also include reimbursements to the government, victims, or insurance companies for intervention or

3.1 health services that were incurred as a direct result of the public nuisance. The court in
3.2 imposing reasonable requirements must balance state interests in public safety against
3.3 constitutional freedoms.

3.4 (c) If the court finds, by a preponderance of the evidence, that a place is used in
3.5 a manner that constitutes a public nuisance on three or more occasions in a period of
3.6 not more than 12 months, the court may include in its order reasonable requirements to
3.7 prevent the use of the place for trafficking or trafficking-related activity. This may include
3.8 cancellation of any applicable lease pursuant to the procedures in section 617.85 that
3.9 may involve any tenant or lessee who has maintained or conducted the public nuisance,
3.10 or other reasonable requirements established in the order.

3.11 **EFFECTIVE DATE.** This section is effective August 1, 2013.

3.12 Sec. 3. **REPEALER.**

3.13 Minnesota Statutes 2012, section 609.284, subdivision 2, is repealed.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2013.

APPENDIX
Repealed Minnesota Statutes: 13-2444

609.284 LABOR OR SEX TRAFFICKING CRIMES; DEFENSES; CIVIL LIABILITY; CORPORATE LIABILITY.

Subd. 2. **Civil liability.** A labor trafficking victim may bring a cause of action against a person who violates section 609.282 or 609.283. The court may award damages, including punitive damages, reasonable attorney fees, and other litigation costs reasonably incurred by the victim. This remedy is in addition to potential criminal liability.